

MDL EXHIBIT 7

From: Donald Haviland [mailto:haviland@havilandlaw.com]

Sent: Thursday, December 06, 2007 1:42 PM

To: Dauphine, Dawn; 'Larry Crown'; 'Jorge Franco'

Subject: RE: Swanston

Dawn

There is no such directive from Judge Saris. You are misinformed.

As for what I represented to Judge Barton, I advised here we intended to dismiss voluntarily the overlap to avoid a jurisdictional issue.

There is nothing to "take up" with Judge Barton

We will file an appropriate Motion and your defense group can respond as appropriate under the Rules.

Have a nice day.

Don

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-----Original Message-----

From: Dauphine, Dawn [mailto:ddauphine@omlaw.com]

Sent: Thursday, December 06, 2007 3:29 PM

To: Donald Haviland; Larry Crown; Jorge Franco

Subject: Swanston

Don,

Defense counsel for the entity defendants have had an opportunity to discuss the new stipulation that you provided to us yesterday. We do not agree with your new proposed stipulation. When the parties previously represented to the Court the desire to file a stipulation for dismissal, you represented that the stipulation would dismiss overlapping defendants. However, your proposed stipulation seeks to dismiss overlapping claims, not overlapping defendants. As such, it is not what you represented to Judge Barton and the defendants, and is not what Judge Saris has instructed you to do. Accordingly, you are not authorized to file the stipulation with defense counsel's signatures.

We strongly re-urge you to file the stipulation that we originally presented to you. If you have any specific disagreement with any of the language of that stipulation, we would be happy to discuss it with you, but time is now very short.

If you choose not to enter into a stipulation to dismiss overlapping defendants as you represented to the Court, we will plan to take up the matter with Judge Barton on Monday (and with Judge Saris at a later date).

Dawn

Dawn L. Dauphine

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12/28/2007